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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,333	02/11/2004	Toru Morita	SCEI 18.629A	4915

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EXAMINER

DOLINAR, ANDREW M

ART UNIT PAPER NUMBER

3747

DATE MAILED: 08/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/777,333

Applicant(s)

MORITA, TORU

Examiner

Andrew M. Dolinar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/873,707.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/11/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☒ Other: translation.

DETAILED ACTION

Priority

The reference to the prior application on page one of the specification should be updated to include patent information.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 and 15-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claims 1, 4, 7, 9, 15, 18, 22, 26 and 30, the phrase "such as" renders the claims indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). Claim 16 recites the limitation "said handheld controller slot" in line 2. It is not clear what this limitation is intended to refer to since it has insufficient antecedent basis in the claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1, 3, 4, 6-9, 11, 15-19, 21-23 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Mizoguchi et al (US 5,566,226). A portable telephone 20 is connected to program execution device 50 for transmission of data via card slot 51. See column 3, line 66, to column 4, line 8.

Claims 4-6, 9-17, 22-25 and 30-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki (JP 11-333141). A computer translation of the detailed description is included herewith. A portable telephone 10 is connected to program execution device (game machine 20) for transmission of data via an external memory connector (cartridge jack). See paragraph [0027] of the translation.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-14, 26, 27, 29-31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizoguchi et al (US 5,566,226). Mizoguchi et al discloses a relay device 13 (FIG. 1) with respective connectors (16, 17) between a portable telephone and a computer as prior art and also discloses a portable telephone and a computer connected via a card slot (FIG. 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the connector 17 of the prior art relay device for connection via a card slot, as taught at column 3, line 66, to column 4, line 8, in order to provide a compatible data transmission connection.

Claims 2, 5, 10, 20 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizoguchi et al (US 5,566,226) in view of Okamoto (US 6,193,520 B1). Mizoguchi et al discloses the claimed invention as stated above for claims 1, 3, 4, 6-9, 11, 15-19, 21-23 and 25 except for the program for a video game. Okamoto teaches that it is known to provide interactive communication of video game data including character data (column 8, lines 11-21). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the data transmission system of Mizoguchi et al for interactive communication of video game data, as taught by Okamoto, in order to provide entertainment to the user.

Claims 28 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizoguchi et al (US 5,566,226) as applied to claims 12-14, 26, 27, 29-31 and 33 above, and further in view of Okamoto (US 6,193,520 B1). Okamoto teaches that it is known to provide interactive communication of video game data including character data (column 8, lines 11-21). It would further have been obvious to one having ordinary skill in the art at the time the invention was made to use the prior art data transmission system as disclosed by Mizoguchi et al for interactive communication of video game data, as taught by Okamoto, in order to provide entertainment to the user.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew M. Dolinar whose telephone number is (703) 308-1948. The examiner can normally be reached on Mon. - Thu. 7:45 - 6:15.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Yuen can be reached on (703) 308-1946. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Andrew M. Dolinar
Primary Examiner
Art Unit 3747

AMD